

Bedford Hills, New York
May 7, 2013

The first meeting for the month of May of the Town Board of the Town of Bedford was held on May 7, 2013 at the Town House, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:00 P.M. by Supervisor Roberts.

Present: Lee V. A. Roberts : Supervisor
Peter Chryssos : Councilman
Francis T. Corcoran : Councilman
David Gabrielson : Councilman
Chris Burdick : Councilman

Lisbeth Fumagalli : Town Clerk
Joel H. Sachs : Town Attorney
Steve Fraietta : Building Inspector
William Hayes : Chief of Police
Harry Girdlestone : Sole Assessor
Edward Ritter : Town Comptroller
William Heidepriem : Superintendent of Recreation and Parks
Kevin Winn : Commissioner of Public Works
Amy Pectol : Receiver of Taxes

And eight (8) residents/observers.

PRESENTATION – Bedford’s Drug Abuse Prevention Council – Patricia Warble
Patricia Warble, coordinator for the Drug Abuse Prevention Council gave a history of the council and an overview of the current programs being offered.

APPROVAL OF CLAIMS

On a motion by Mr. Corcoran, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED, that the following claims for 2013 be allowed for payment from their respective funds,

| | 2013 |
|-------------------------------|------------------------|
| Paid Prior to Audit | \$ 4,929,532.33 |
| General Fund | 79,173.77 |
| Highway Fund | 94,518.01 |
| Consolidated Water District | 18,021.28 |
| Cedar Downs Water District | 337.20 |
| Farms Water District | 233.25 |
| Old Post Road Water District | 266.50 |
| Drug Abuse | 1,245.00 |
| Trust & Agency | 2,560.00 |
| Energy | 28,337.59 |
| Special Districts: | |
| Bedford Village Memorial Park | 5,575.14 |
| Bedford Hills Memorial Park | 4,998.61 |
| Katonah Memorial Park | 5,276.99 |
| Capital Projects | 190,574.91 |
| | <u>\$ 5,360,650.48</u> |

DEPARTMENTS –

1. Lease Agreement request with St. Mary’s of the Assumption Church in Katonah for the 2013 Summer Tiny Tot Day Camp Program.

On a motion by Mr. Corcoran, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the lease agreement between the Town of Bedford and St. Mary of the Assumption Church for the use of a portion of the school building located on Valley Road in Katonah for the Tiny Tot program from July 1, 2013 to August 9, 2013 in the amount of \$6,000 for the use of the building as per the memorandum dated April 29, 2013 from Bill Heidepriem, Superintendent of Recreation and Parks.

2. Request for approval to retain the services of Insite Engineering for design work associated with the Bedford Hills Memorial Park pedestrian walkway.

On a motion by Mr. Gabrielson, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby grant approval to retain the services of Insite Engineering for design work associated with the Bedford Hills Memorial Park Pedestrian Walkway bollard lighting design, in an amount not to exceed \$7,300.00, subject to the receipt of a Certificate of Insurance naming the Town of Bedford as an additional insured, as per the memorandum dated April 29, 2013 from Bill Heidepriem, Superintendant of Recreation and Parks.

3. Highway material bid and equipment rental bid award.

On a motion by Mr. Burdick, seconded by Mr. Gabrielson, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby award the bid for Highway Materials and Catch Basins as detailed in the memorandum dated May 1, 2013 from Kevin Winn, Commissioner of Public Works with the following exceptions:

1. Items 15-17 for traffic markings and line striping are hereby rejected and these items shall be rebid.
2. Item 1b for cold patch shall not be awarded as new cold patch materials have recently come on the market.

4. Request to bid purchase of two six cubic yard dump trucks.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby grant approval for the Department of Public Works to advertise for bids for two (2) six (6) cubic yard dump trucks to replace two (2) six (6) cubic yard dump trucks in the fleet, as per the memorandum dated May 2, 2013 from Kevin Winn, Commissioner of Public Works.

5. Change Order A-13 - Installation of baffles in the clear well of the water filtration plant.

On a motion by Mr. Chryssos, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that that Town Board does hereby approve Change Order A-13 with General Contractor Sisca Northeast in an amount not to exceed \$90,000 for the installation of

baffles in the clear well at the water filtration plant as per the memorandum dated May 3, 2013 from Kevin Winn, Commissioner of Public Works.

6. Recommendation to replace air conditioning units at the Police Department.

On a motion by Mr. Corcoran, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the proposal of Mt. Kisco Mechanical, the lowest most responsible bidder for the replacement of five (5) air conditioning units at the Town of Bedford Police Department, in the amount of \$40,934.00, with a 10% contingency in the amount of \$4,100.00 for any unforeseen issues, for a total of \$45,034.00 to be appropriated from fund balance to Police maintenance, subject to the receipt of a Certificate of Insurance naming the Town of Bedford as an additional insured, as per the memorandum dated May 6, 2013 from Steven Fraietta, Building Inspector.

7. Communications Committee recommendation for proposal to update the website.

On a motion by Mr. Burdick, seconded by Mr. Gabrielson, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby accept the proposal as submitted by MWS Media – Matthew Wayne Selznick – 3229 Pasadena Avenue, Long Beach, California for the updating of the official Town of Bedford website, in the amount of \$3,500.00, as per the memorandum dated April 30, 2013 from Luke Vander Linden and Chris Roberts, Website Subcommittee.

CORRESPONDENCE

1. ALS Therapy Development Institute request for Tri-State Trek to travel through Bedford between July 19th and July 21st.

This item is on the agenda for informational purposes only. It was noted that the cyclists would be coming through the Town of Bedford on July 21 between 11am and 2pm.

2. Request from the Barts to close a portion of Huntville Road from Cherry Street to Glenridge Road for annual Memorial Day Weekend Block Party Sunday, May 26th from 2-8pm.

On a motion by Mr. Gabrielson, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby grant permission for a block party to be held on Huntville Road between Glen Ridge Road and Cherry Street on Sunday, May 26, 2013, between the hours of 2:00 P.M. and 8:00 P.M., with no costs involved for the applicant or the Town of Bedford, subject to the following conditions:

1. Katonah Elementary School shall be contacted by the party organizers to ensure that there will not be a conflicting event being held at the school during this time.
2. The residents of Huntville Road are to be advised of the closure of the road between Glen Ridge Road and Cherry Street.
3. The Highway Division of the Department of Public Works shall provide barricades for the event.

The road shall not be blocked to the point that Fire, Police or Ambulance cannot access in the event of an emergency.

3. Request from Lions Club of Bedford Hills to use Commuter Lot 3 on Sunday, October 6th for their annual Car Show, with a rain date of Sunday, October 20th.

On a motion by Mr. Corcoran, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the request of the Lions Club of Bedford Hills to hold their annual Car Show on Sunday, October 6, 2013, with a rain date of Sunday, October 20, 2013, in Commuter Lot 3 in Katonah, with the Lions Club to remove any trash that is generated by the event and shall provide cones for the use of the parking lot during the event, subject to the receipt of a Certificate of Insurance naming the Town of Bedford as an additional insured.

4. Fellowship Hall request for extension of PILOT (Payments in lieu of taxes).
This matter has been adjourned for further review and discussion.

5. Request to hold 5K Race in Katonah, Saturday, September 7th.
On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the request of Annie C. Bai for a 5K Road race to be held in the hamlet of Katonah and Katonah Memorial Park on Saturday, September 7, 2013 subject to the following conditions:

1. Coordinating the event with the Town of Bedford Police Department and payment of expenses relative to the Police personnel.
2. Receipt of a Certificate of Insurance naming the Town of Bedford as an additional insured and Town's indemnification form.
3. Approval from the Katonah Elementary School for the use of their facilities.
4. Submission of the necessary forms to the Town of Bedford for the event.

PERSONNEL

1. Amy Pectol request to be reappointed to Blue Mountain Housing Development Corp.
On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby reappoint Amy M. Pectol to the Blue Mountain Housing Development Corp. for a three (3) year term, said term to expire February 1, 2016.

2. Request to appoint Marc Graniero to the position of Cleaner.
On a motion by Mr. Corcoran, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby approve the transfer of Marc Graniero from the Recreation and Parks Department to the Building and Maintenance Department to the position of cleaner, effective May 8, 2013 at an annual salary of \$59,096.00 to fill the vacancy in the Building and Maintenance staff created by the retirement of Gary Jordan, as per the memorandum dated May 1, 2013 from Joan Gallagher, Director of Personnel.

OLD BUSINESS

1. Recommendation of professional consulting firm to review Historic Resource Inventory.
On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

May 7, 2013 – Regular meeting - continued

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board does hereby accept the proposal of Steward Preservation Services LLC to perform a Historic Resource Inventory on 500 properties in the Town with two (2) presentations for \$20,175.00, subject to receipt of a Certificate of Insurance naming the Town of Bedford as an additional insured, said project to be paid for from fund balance, as per the memorandum dated May 2, 2013 from John Stockbridge, Chairman of the Historic Building Preservation Commission.

2. Reopen Public Hearing on transfer of Special Permits to Planning Board.
On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board shall reopen the public hearing of March 5, 2013 on the transfer of Special Permits to the Planning Board on May 21, 2013 at 7:55pm at the Town House, 321 Bedford Road, Bedford Hills, New York.

NEW BUSINESS

1. Executive Session – Certioraris and labor.
On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays: None
Absent: None

RESOLVED that the Town Board shall discuss tax certioraris and labor matters in an executive session to be conducted at the conclusion of the regular meeting.

There being no further discussion, the Town Board adjourned to executive session at 10:16pm.

Lisbeth Fumagalli, Town Clerk

Minutes of Executive Session Town Board of the Town of Bedford May 7, 2013

At 10:20 p.m. on Tuesday evening, May 7, 2013 the Town Board unanimously voted to go into Executive Session to discuss possible settlement of tax certiorari litigation and labor negotiations. Attending the Executive Session were Supervisor Roberts and Councilpersons Chryssos, Corcoran, Burdick and Gabrielson. Also attending were Town Assessor Harry Girdlestone, and Town Attorney Joel Sachs.

At the outset of the meeting, the Town Board unanimously appointed Joel H. Sachs as Acting Deputy Town Clerk.

Thereafter, Harry Girdlestone gave a presentation concerning the recommended settlement of several tax certiorari proceedings involving Adzam Realty LLC, Adzam Auto Sales Inc. and Adzam Plainfield LLC. Mr. Girdlestone discussed the recommendation from Judson Siebert, Esq., of Keane & Beane, P.C. Mr. Siebert handles the tax certiorari actions for the Town of Bedford. Mr. Girdlestone indicated that he and Mr. Siebert recommended that the Town Board settle the various tax certiorari proceedings involving various ADZAM properties, which were commenced under the case titles *Mtr. of ADZAM Realty, LLC v.*

Assessor of the Town of Bedford, et al., (Sup. Ct. West. Co. Index Nos. 17428/02, *et seq.*), *Mtr. of ADZAM Auto Sales, Inc. v. Assessor of the Town of Bedford, et al.*, (Sup. Ct. West. Co. Index Nos. 17433/02, *et seq.*) and *Mtr. of Berger/ ADZAM Plainfield, LLC v. Assessor of the Town of Bedford, et al.*, (Sup. Ct. West. Co. Index Nos. 17432/02, *et seq.*), providing for the following assessment reductions:

ADZAM Realty, LLC – 519 North Bedford Road (Section 60.17, Block 2, Lot 2 and Section 60.17, Block 2, Lot 7). No change to contested 2002-2009 assessments and proceedings to be discontinued.

ADZAM Auto Sales, Inc. – 669 North Bedford Road (Section 71.8, Block 2, Lots 28, 29 and 30). The 2002-2009 cumulative assessment of the subject lots to be revised as follows:

| <u>Year</u> | <u>Cumulative Assessment</u> | <u>Revised Cumulative Assessment</u> | <u>Reduction</u> |
|-------------|----------------------------------|--|------------------|
| 2002 | \$159,100 | \$159,100 | \$0 |
| 2003 | \$159,100 | \$159,100 | \$0 |
| 2004 | \$159,100 | \$159,100 | \$0 |
| 2005 | \$159,100 | \$159,100 | \$0 |
| 2006 | \$159,100 | \$152,000 | \$7,100 |
| 2007 | \$159,100 | \$151,000 | \$8,100 |
| 2008 | \$159,100 | \$151,000 | \$8,100 |
| 2009 | \$159,100 | \$151,250 | \$7,850 |

Berger/ ADZAM Plainfield, LLC - 99, 101 and 103 Plainfield Avenue (Section 71.8, Block 2, Lots 11, 12 and 13). The 2002-2010 cumulative assessment of the subject lots to be revised as follows:

| <u>Year</u> | <u>Cumulative Assessment</u> | <u>Revised Cumulative Assessment</u> | <u>Reduction</u> |
|-------------|----------------------------------|--|------------------|
| 2002 | \$65,100 | \$65,100 | \$0 |
| 2003 | \$65,100 | \$65,100 | \$0 |
| 2004 | \$65,100 | \$65,100 | \$0 |
| 2005 | \$65,100 | \$57,600 | \$7,500 |
| 2006 | \$65,100 | \$57,600 | \$7,500 |
| 2007 | \$65,100 | \$57,600 | \$7,500 |
| 2008 | \$65,100 | \$57,600 | \$7,500 |
| 2009 | \$65,100 | \$57,600 | \$7,500 |
| 2010 | \$65,100 | \$61,800 | \$3,300 |

After discussion, Councilperson Burdick moved that the aforementioned ADZAM settlements be approved. The motion was seconded by Councilperson Corcoran. Thereafter, the Town Board unanimously voted to approve this settlement.

There then followed a discussion by Assessor Girdlestone in regard to a property located at 61 Upland Road North (Section 85.1, Block 1, Lot 1). The property is owned by the Estate of Kronenberg, which contested the 2012 assessment of this parcel in a proceeding entitled *Mtr. of Estate of Kronenberg v. Assessor of the Town of Bedford, et al.*, (Sup. Ct. West. Co. Index No. 66655/12). Assessor Girdlestone advised the Town Board of a recommendation from Attorney Judson Siebert to approve negotiated terms and conditions of a settlement of this litigation revising the 2012 assessment of this parcel, as follows:

| <u>Assessment Year</u> | <u>Assessment</u> | <u>Revised Assessment</u> | <u>Amount of Reduction</u> |
|----------------------------|-------------------|-------------------------------|--------------------------------|
| 2012 | \$238,800 | \$122,000 | \$116,800 |

After further discussion among Mr. Girdlestone and Board members, Councilperson Burdick moved that the settlement be approved, which motion was seconded by Councilperson Corcoran. The Town Board then unanimously voted to approve the settlement.

Assessor Girdlestone then addressed a pending litigation challenging the assessment of property located at 108 Narrows Road (Section 72.16, Block 2, Lot 5). The 2012 assessment of this parcel is at issue in a proceeding entitled *Mtr. of Friedman v. Assessor of the Town of Bedford, et al.*, (Sup. Ct. West. Co. Index No. 66661/12). Assessor Girdlestone advised the Town Board of a recommendation from Attorney Judson Siebert to approve negotiated terms and conditions of a settlement of this litigation revising the 2012 assessment of this parcel, as follows:

| Assessment | | Revised | Amount of |
|--------------------|--------------------------|--------------------------|-------------------------|
| <u>Year</u> | <u>Assessment</u> | <u>Assessment</u> | <u>Reduction</u> |
| 2012 | \$357,500 | \$332,000 | \$25,500 |

After further discussion among Mr. Girdlestone and Board members, Councilperson Burdick moved that the settlement be approved, which motion was seconded by Councilperson Corcoran. The Town Board then unanimously voted to approve the settlement.

Mr. Girdlestone then left the Executive Session. There then followed a discussion among the Town Board members and Town Attorney Sachs in regard to the status of labor negotiations between the Town and the Policeman’s Benevolent Association. No decisions were made and no votes were taken.

The Executive Session adjourned at approximately 11:00 p.m.

Respectfully submitted,

Joel H. Sachs
Acting Deputy Town Clerk